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12 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

13 UNITED STATES OF AMERICA. } Cr. No. CR-03-048-NEJ  
 14 Plaintiff, } INDICTMENT  
 15 vs. } (Vio. 18 U.S.C. 1546(a); 1001(a)(1) and  
 16 SAMI OMAR AL-HUSSAYEN, } (2), 3237 and 3238  
 17 Defendant. }

18

19

THE GRAND JURY CHARGES:

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At all times pertinent to this Indictment:

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VISA FRAUD AND FALSE STATEMENT

24

The Student Visas

25

## Background

26

1. In order for a foreign student to study in the United States on an F-1 student visa

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1 the student must declare and promise under oath to United States authorities that the student  
2 seeks a presence in the United States **solely for the purpose of pursuing the student's**  
3 **course of studies.** In relation thereto, the foreign student must truthfully and fully declare his  
4 associations with organizations to the appropriate United States Government authorities in  
5 order for those authorities to evaluate any such association and related activities in relation to  
6 the interests of the United States.

7 2. **SAMI OMAR AL-HUSSAYEN** was a citizen of Saudi Arabia. Between about  
8 August 7, 1994 and September 23, 1998, **AL-HUSSAYEN** studied in the United States as a  
9 foreign student. He studied at Ball State University in Muncie, Indiana, where he obtained a  
10 Masters of Science degree in computer science; and at Southern Methodist University in  
11 Dallas, Texas.

12 3. On or about September 23, 1998, **AL-HUSSAYEN** applied to the University of  
13 Idaho at Moscow, Idaho, by submitting an International Application Form requesting that he  
14 be admitted to the Computer Science PhD program for the Spring 1999 Semester.

15 4. In or about January, 1999, **AL-HUSSAYEN** was admitted to the Computer  
16 Science PhD program at the University of Idaho, with an emphasis on computer security and  
17 intrusion techniques. University of Idaho records indicated that he began his studies the  
18 Spring 1999 Semester. At the time he published his permanent address as [REDACTED]  
19 [REDACTED] Moscow, Idaho.

20 **The year 1999 transactions**

21 5. On or about May 17, 1999, United States Immigration and Nationalization (INS)  
22 Form I-20 was issued by the University of Idaho, allowing **AL-HUSSAYEN** to study in the  
23 Computer Science PhD program beginning no later than August 24, 1999, and ending no later  
24 than December 17, 2004.

1       6. On or about July 17, 1999, while outside the United States, AL-HUSSAYEN  
2 signed the Student Certification of the INS Form I-20 at section #11, which read in pertinent  
3 part:

4       I have read and agreed to comply with the terms and conditions of my admission. . .  
5       I certify that all information provided on this form refers specifically to me and is true  
6 and correct to the best of my knowledge. I certify that I seek to enter or remain in the  
7 United States temporarily, and solely for the purpose of pursuing a full course of  
8 study at [the University of Idaho]. I also authorize the named school to release any  
9 information from my records which is needed. [Emphasis added.]

10      AL-HUSSAYEN falsely made said certification, knowing of his internet and business  
11 activities alleged hereafter. On or about July 20, 1999, the United States Government issued  
12 an F-1 student visa to AL-HUSSAYEN at Riyadh, Saudi Arabia. The visa was valid for  
13 twenty-four months, or until July 20, 2001. (See Counts One and Two hereafter.)

14      7. On or about August 11, 1999, AL-HUSSAYEN was admitted by the United  
15 States Government into the United States at John F. Kennedy International Airport in New  
16 York City, New York, as an F-1 student. AL-HUSSAYEN was admitted into the United  
17 States by the United States Government pursuant to the July 20, 1999 visa and in direct  
18 reliance upon AL-HUSSAYEN's certification on the INS Form I-20 dated July 17, 1999.  
(See Count Three hereafter.)

19                   The year 2000 transactions

20      8. On or about July 7, 2000, a second INS Form I-20 was issued by the University of  
21 Idaho and designated "for Continued attendance at this school" and in order "to add  
22 dependant." On or about this same day and in Moscow, Idaho, AL-HUSSAYEN signed the  
23 Student Certification of said INS Form I-20 at section #11 and which read in pertinent part:

24       I have read and agreed to comply with the terms and conditions of my admission. . .  
25       I certify that all information provided on this form refers specifically to me and is true  
26 and correct to the best of my knowledge. I certify that I seek to enter or remain in the  
27 United States temporarily, and solely for the purpose of pursuing a full course of  
28 study at [the University of Idaho]. I also authorize the named school to release any  
information from my records which is needed. [Emphasis added.]

29      AL-HUSSAYEN falsely made said certification, knowing of his internet and business  
activities alleged hereafter. (See Counts Four and Five hereafter.) On or about July 9, 2000,

1 AL-HUSSAYEN departed from the United States at the John F. Kennedy International  
2 Airport in New York City, New York.

3 9. On or about August 25, 2000, AL-HUSSAYEN was admitted into the United  
4 States by the United States Government at Washington, D.C., as an F-1 student. AL-  
5 HUSSAYEN was admitted into the United States by the United States Government pursuant  
6 to the student visa dated July 20, 1999 as previously referenced and in reliance upon AL-  
7 HUSSAYEN's certification on the INS Form I-20 dated July 7, 2000. (See Count Six  
8 hereafter.)

9 **The year 2002 transactions**

10 10. On or about January 10, 2002, AL-HUSSAYEN departed the United States at  
11 the John F. Kennedy International Airport in New York City, New York. On or about January  
12 13, 2002, AL-HUSSAYEN signed and submitted to the United States embassy a DOS Form  
13 DS-156 for the purpose of obtaining another F-1 student visa. Section 36 of the form reads in  
14 pertinent part:

15 I certify that I have read and understand all the questions set forth in this application  
16 and the answers I have furnished on this form are true and correct to the best of my  
17 knowledge and belief. I understand that any false or misleading statement may result  
18 in the permanent refusal of a visa or denial of entry into the United States. I  
understand that possession of a visa does not automatically entitle the bearer to enter  
the United States of America upon arrival at a port of entry if he or she is found  
inadmissible.

19 At section nineteen of the Form DS-156, AL-HUSSAYEN stated that the purpose of his entry  
20 into the United States was to "study;" and, at section twenty-six, that he would do so at the  
21 University of Idaho. At section 20 he stated his permanent address in the United States to be  
22 [REDACTED] Moscow, Idaho, 83843. As part of his application for the F-1 student  
23 visa, AL-HUSSAYEN relied upon and/or submitted the INS Form I-20 dated July 7, 2000, as  
24 previously referenced.

25 11. On or about January 14, 2002, the DOS Form DS-156 was formally stamped as  
26 received by the United States Government at the United States Embassy in Riyadh, Kingdom  
27 of Saudi Arabia. However, the application was refused because the birth date of AL-

1 HUSSAYEN on the visa application and the July 7, 2000 INS Form I-20 did not match the  
2 birth date on his passport.

3 12. On or about January 14, 2002, and in conjunction with the same F-1 student visa  
4 application, AL-HUSSAYEN submitted a DOS Form DS-157 Supplemental Non-immigrant  
5 Visa Application to the United States Government at the United States Embassy in Riyadh,  
6 Kingdom of Saudi Arabia, which DOS Form DS-157 was attached to the original DOS Form  
7 DS-156 submitted on January 14, 2002. Section 13 of the DOS Form DS-157 required the  
8 applicant to "[l]ist all Professional, Social, <sup>and</sup> ~~Charitable~~ Organizations to Which You Belong  
9 (Belonged) or Contribute (Contributed) or with Which You Work (Have Worked)." AL-  
10 HUSSAYEN listed "ACM & IEEE." ("ACM" stands for the Association for Computive  
11 Machinery, and "IEEE" stands for the Institute of Electrical and Electronic Engineers.) AL-  
12 HUSSAYEN listed no other affiliations. AL-HUSSAYEN falsely and intentionally did not  
13 list the Islamic Assembly of North America (hereafter the IANA) and other entities. (See  
14 Counts Seven and Eight hereafter.)

15 13. On or about March 19, 2002, the University of Idaho provided an INS Form I-20  
16 for AL-HUSSAYEN "for Continued attendance at this school" and to "correct birth-date."  
17 On or about April 6, 2002, AL-HUSSAYEN signed the Student Certification of the INS Form  
18 I-20 at section eleven, which stated in pertinent part:

19 I have read and agreed to comply with the terms and conditions of my admission....  
20 I certify that all information provided on this form refers specifically to me and is true  
21 and correct to the best of my knowledge. I certify that I seek to enter or remain in the  
22 United States temporarily, and solely for the purpose of pursuing a full course of  
23 study at [the University of Idaho]. I also authorize the named school to release any  
24 information from my records which is needed. [Emphasis added.]

25 AL-HUSSAYEN falsely made the certification, knowing of his internet and business  
26 activities alleged hereafter. On or about the same day of April 6, 2002, AL-HUSSAYEN  
27 formally submitted the INS Form I-20 dated April 6, 2002, to the United States Government  
28 at the United States Embassy in Riyadh, Kingdom of Saudi Arabia, and the United States  
Government issued AL-HUSSAYEN an F-1 student visa in direct reliance upon AL-

1 HUSSAYEN's certifications on the DOS Form DS-156 dated January 14, 2002, and attached  
2 DOS Form DS-157, together with the INS Form I-20 dated April 6, 2002. (See Counts Nine  
3 and Ten hereafter.)

4 14. On or about May 9, 2002, AL-HUSSAYEN was admitted by the United States  
5 Government into the United States at the John F. Kennedy International Airport in New York  
6 City, New York, as an F-1 student by virtue of the F-1 student visa issued April 6, 2002, and  
7 in direct reliance upon AL-HUSSAYEN'S certifications on the DOS Form DS-156 dated  
8 January 14, 2002, and attached DOS Form DS-157, together with the INS Form I-20 dated  
9 April 6, 2002. During the admission at the John F. Kennedy International Airport, AL-  
10 HUSSAYEN was inspected by INS and Customs officials. During the inspections, the INS  
11 Form I-20 dated April 6, 2002, was photocopied by the Customs officials, with the Customs  
12 officials retaining the copy and the original being returned to AL-HUSSAYEN. (See Count  
13 Eleven hereafter.)

14 The Web-site Activities

15 15. From at least October 2, 1998, until the date of this Indictment, AL-  
16 HUSSAYEN engaged in computer web-site activities that exceeded his course of study at the  
17 University of Idaho. These activities included expert computer services, advice, assistance  
18 and support to organizations and individuals, including the IANA, in the form of web-site  
19 registration, management, administration and maintenance. A number of those web-sites  
20 accommodated materials that <sup>had</sup> ~~both~~ advocated violence against the United States.

21 16. The IANA was incorporated in 1993 in Colorado as a non-profit, charitable  
22 organization. It maintained offices in Ann Arbor, Michigan. Its official mission statement  
23 was that of *Da'wa*: the proselytizing and spreading the word of Islam. The IANA did this, in  
24 part, by providing a number of media outlets as vehicles for advocating Islam, such as internet  
25 web-sites with "bulletin boards," internet magazines, toll-free telephone lines, and audio  
26 ("radio.net") services. The IANA solicited and received donations of monies both from  
27 within the United States and without. The IANA also hosted regular Islamic

1 conferences in the United States, with participation by individuals affiliated with other  
2 charitable organizations also located within the United States.

3 17. AL-HUSSAYEN was the formal registered agent for the IANA in Idaho (since  
4 May 11, 2001) and a business associate of the IANA in its purpose of *Da'wa* (proselytizing),  
5 which included the web-site dissemination of radical Islamic ideology the purpose of which  
6 was indoctrination, recruitment of members, and the instigation of acts of violence and  
7 terrorism.

8 18. AL-HUSSAYEN was either the registrant or the administrative contact for a  
9 number of internet web-sites which either belonged to or were linked to the IANA. A number  
10 of said IANA-related web-sites were registered to AL-HUSSAYEN directly, to the IANA or  
11 to Dar Al-Asr, a Saudi Arabian company that provided web hostings on the internet. AL-  
12 HUSSAYEN registered web-sites on behalf of Dar Al-Asr, identifying himself as the  
13 administrative point of contact for Dar Al-Asr and giving his Moscow, Idaho street address  
14 and University of Idaho e-mail address for reference.

15 19. Of the afore-referenced web-sites, AL-HUSSAYEN was the sole registrant of  
16 web-sites [www.alasr.ws](http://www.alasr.ws) (created September 11, 2000), [www.cybermsa.org](http://www.cybermsa.org) (created March  
17 15, 2001) and [www.liveislam.net](http://www.liveislam.net) (created July 8, 2002). Web-sites [www.alasr.net](http://www.alasr.net) (created  
18 August 15, 1999), [www.almawred.com](http://www.almawred.com) (created November 1, 1999) and [www.heejrah.com](http://www.heejrah.com)  
19 (February 22, 2000) were registered to Dar Al-Asr, with AL-HUSSAYEN as the  
20 administrative contact person. Web-site [www.almanar.net](http://www.almanar.net) (created October 2, 1998) was  
21 registered to Al-Manar Al-Jadeed Magazine, with AL-HUSSAYEN as the administrative  
22 contact person. [Iananet.org](http://Iananet.org) (created August 11, 1995) was registered to IANA and designed  
23 and maintained by the web-site entity Dar Al-Asr. [Ianaradionet.com](http://Ianaradionet.com) (created May 25, 1999)  
24 was registered to IANA, with AL-HUSSAYEN as the head of its supervisory committee and  
25 member of its technical committee. [Islamway.com](http://Islamway.com) (created August 18, 1998) was registered  
26 to IANA, with direct links to AL-HUSSAYEN's web-sites, including [www.alasr.ws](http://www.alasr.ws) and  
27 [www.cybersma.org](http://www.cybersma.org). The registration of web-sites [www.alhawali.org](http://www.alhawali.org) and [www.alhawali.com](http://www.alhawali.com)

1 (both created November 18, 2000) referenced AJ-Asr and AL-HUSSAYEN, with AL-  
2 HUSSAYEN as the administrative contact for [www.alhawali.com](http://www.alhawali.com). These two web-sites  
3 corresponded to a radical sheikh referenced in paragraph 21 hereafter. Web-site  
4 [www.islamtoday.net](http://www.islamtoday.net) (created March 17, 2000) was related to a radical sheikh also referenced  
5 in paragraph 21 hereafter and posted articles to some of the Dar Al-Asr and AL-HUSSAYEN  
6 web-sites.

7 20. One of the afore-referenced web-sites registered by AL-HUSSAYEN was  
8 [www.alasr.ws](http://www.alasr.ws). On September 11, 2000, AL-HUSSAYEN registered the [www.alasr.ws](http://www.alasr.ws) web-  
9 site. In about June of 2001, an article entitled "Provision of Suicide Operations" was  
10 published on the internet magazine of the website [www.alasr.ws](http://www.alasr.ws). The article was written by  
11 a radical Saudi sheikh. A portion of the article read as follows:

12 The second part is the rule that the *Mujahid* (warrior) must kill himself if he knows  
13 that this will lead to killing a great number of the enemies, and that he will not be able  
14 to kill them without killing himself first, or demolishing a center vital to the enemy or  
15 its military force, and so on. This is not possible except by involving the human  
means of bombing or bringing down an airplane on an important location that will  
cause the enemy great losses. [Emphasis added.]

16 21. [www.alasr.ws](http://www.alasr.ws) and other web-sites registered or linked to, or technically advised  
17 by AL-HUSSAYEN, including [www.islamway.com](http://www.islamway.com) (previously mentioned), also posted  
18 other violent *jihad* (holy war)-related messages by other radical sheikhs, including those  
19 referenced in preceding paragraph 19.

20 **Financial and Business Activities**

21 22. From on or about August 17, 1994, until the date of this Indictment, AL-  
22 HUSSAYEN, at various times, maintained at least six United States bank accounts in Indiana,  
23 Texas, Idaho and Michigan. From at least January 23, 1997, until the date of this Indictment,  
24 AL-HUSSAYEN used said bank accounts to receive large sums of monies from within and  
25 without the United States, and to transfer and cause to be transferred large sums of monies to  
26 the IANA and other organizations and individuals.

1        23. From at least January 23, 1997, until the date of this Indictment, AL-  
2 HUSSAYEN received into and disbursed out of his bank accounts approximately  
3 \$300,000.00 in excess of the university study-related funds he received during the same period  
4 of time, such as the monthly stipend he was given by the Saudi Arabian Government, and the  
5 living expenses that corresponded thereto. These excess funds included \$49,992.00 paid to  
6 AL-HUSSAYEN on September 10, 1998, and \$49,985.00 paid to him on September 25,  
7 1998.

8        24. From at least November 16, 1999, to the date of this Indictment, AL-  
9        HUSSAYEN made disbursements of the excess funds referenced in the preceding paragraph  
10      to the IANA, and to the IANA's officers, including a leading official of the IANA. A portion  
11      of these funds was used to pay operating expenses of the IANA, including salaries of IANA  
12      employees. Furthermore, in 1999, 2000 and 2001 wire transfers were made from AL-  
13      HUSSAYEN to individuals in Cairo, Egypt; Montreal, Canada; Riyadh, Kingdom of Saudi  
14      Arabia; Amman, Jordan; and Islamabad, Pakistan. AL-HUSSAYEN also made  
15      disbursements to other organizations and individuals associated therewith during the time  
16      referenced in this paragraph.

17 25. From at least November 16, 1999, to the date of this Indictment, AL-  
18 HUSSAYEN maintained frequent business contact with the leading IANA official referenced  
19 above. Not only did AL-HUSSAYEN disburse money directly to the official in the form of  
20 wire transfers and personal checks, their relationship also included the maintenance of a  
21 checking account in a Michigan bank in AL-HUSSAYEN's name alone, but with the  
22 official's home address and the official's apparently exclusive use of the account. Among the  
23 deposits into the account was a \$4,000.00 wire transfer from AL-HUSSAYEN, 311 Sweet  
24 Avenue, Apt 6, Moscow, Idaho, to AL-HUSSAYEN, 219 Fieldcrest Street, Ann Arbor,  
25 Michigan. In addition, numerous telephone calls between AL-HUSSAYEN and the official  
26 were made during the time referenced in this paragraph.

1       26. From at least March of 1995 until about February of 2002, the IANA received  
2 into its bank accounts approximately three million dollars (\$3,000,000.00), including the  
3 funds received from AL-HUSSAYEN as referenced above, and disbursed approximately the  
4 same amount. The deposits included a three hundred thousand dollar (\$300,000.00) transfer  
5 from a Swiss bank account on or about May 14, 1998.

6 27. From about December of 1994 to about July of 2002, AL-HUSSAYEN traveled  
7 and otherwise funded travel for other individuals, including travel related to the IANA,  
8 through AL-HUSSAYEN's bank accounts and to locations in numerous states, as well as  
9 foreign countries.

10        28. From at least January 1, 1997, until on or about August 28, 2002, telephones  
11 corresponding to AL-HUSSAYEN had contact with telephones subscribed to individuals or  
12 entities in numerous states, as well as foreign countries. Subscribers corresponding to or  
13 associated with some of the numbers included the IANA and the source of the \$49,992.00 and  
14 \$49,985.00 transfers previously referenced paragraph 23.

## 15 | THE VIOLATIONS

16 In material reliance upon the information contained in the INS I-20 forms and the DOS  
17 Forms DS- 156 and DS-157 as heretofore referenced, the United States Government issued  
18 **AL-HUSSAYEN** F-1 student visas and allowed him to enter and remain in the United States.  
19 However, **AL-HUSSAYEN** entered into and remained in the United States for purposes other  
20 than that of solely pursuing his studies, including, but not limited to, material support of the  
21 IANA and others by means of his web-site and business activities, and knowingly and wilfully  
22 made false statements and omissions to the authorities of the United States in relation thereto.  
23 By not truthfully stating and revealing the nature and extent of his activities and affiliations in  
24 the United States, **AL-HUSSAYEN** thereby deprived the authorities of the United States of  
25 the knowledge thereof and the opportunity to evaluate and address the same within the context  
26 of the laws of the United States, resulting in felony violations by the Defendant, **SAMI**  
27 **OMAR AL-HUSSAYEN**, consisting of Counts One through Eleven

**COUNT ONE**  
**FALSE STATEMENT TO THE UNITED STATES**  
(Violation 18 U.S.C. 1001(a)(2) and 3238)

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

5 On or about July 17, 1999, within and as the same pertains to the District of Idaho,  
6 SAMI OMAR AL-HUSSAYEN, Defendant herein, in a matter within the jurisdiction of the  
7 Executive Branch of the United States Government, knowingly and willfully made a  
8 materially false, fictitious and fraudulent statement and representation to authorities of the  
9 United States in relation to SAMI OMAR AL-HUSSAYEN's status as a foreign student in  
10 the United States, in that SAMI OMAR AL-HUSSAYEN, in applying for and receiving a  
11 student visa, signed and submitted an Immigration and Naturalization (INS) form I-20,  
12 thereby knowingly and willfully representing to United States Government authorities that he  
13 sought to enter into the United States for the sole purpose of pursuing a full course of study at  
14 the University of Idaho, when, in fact, SAMI OMAR AL-HUSSAYEN knowingly had been,  
15 was and would be engaged in activities other than his course of study at the University of  
16 Idaho, including, but not limited to, his involvement with the Islamic Assembly of North  
17 America; in violation of Title 18, United States Code, Sections 1001(a)(2) and 3238. (See  
18 previous paragraphs 5 and 6.)

**COUNT TWO**  
**VISA FRAUD**

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

13 On or about July 17, 1999, until the date of this Indictment, within and as the same  
14 pertains to the District of Idaho, **SAMI OMAR AL-HUSSAYEN**, Defendant herein, (1)  
15 knowingly made under oath and subscribed as true to the United States a false statement with  
16 respect to a material fact in an application and other document required by the immigration  
17

1 laws and regulations of the United States and (2) knowingly presented such application and  
2 other document required by the immigration laws and regulations of the United States which  
3 contained a materially false statement, in that **SAMI OMAR AL-HUSSAYEN**, in applying  
4 for and receiving a student visa, signed and submitted an Immigration and Naturalization  
5 (INS) form I-20, thereby knowingly and willfully representing to United States Government  
6 authorities that he sought to enter into the United States for the sole purpose of pursuing a full  
7 course of study at the University of Idaho, when, in fact, **SAMI OMAR AL-HUSSAYEN**  
8 knowingly had been, was and would be engaged in activities other than his course of study at  
9 the University of Idaho, including, but not limited to, his involvement with the Islamic  
10 Assembly of North America; in violation of Title 18, United States Code, Sections 1546(a)  
11 and 3238. (See previous paragraphs 5 and 6.)

**COUNT THREE  
VISA FRAUD**  
(Violation 18 U.S.C. 1546(a) and 3237)

14 The previous numbered paragraphs one through twenty-eight are hereby re-alleged as  
15 though set forth in full herein.

16 On or about August 11, 1999, within and as the same pertains to the District of Idaho,  
17 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, (1) knowingly made under oath and  
18 subscribed as true to the United States a false statement with respect to a material fact in an  
19 application and other document required by the immigration laws and regulations of the  
20 United States, (2) knowingly presented such application and other document required by the  
21 immigration laws and regulations of the United States which contained a materially false  
22 statement, and (3) knowingly used a non-immigrant visa obtained by a false statement and  
23 claim, in that **SAMI OMAR AL-HUSSAYEN**, in entering into the United States, presented  
24 to United States Government authorities a student visa procured by means of a false statement  
25 and claim and other document containing such false statement and claim; in violation of Title  
26 18, United States Code, Sections 1546(a) and 3237. (See previous paragraphs 5 through 7.)

**COUNT FOUR**  
**FALSE STATEMENT TO THE UNITED STATES**  
(Violation 18 U.S.C. 1001(a)(2) and 3238)

3 The previous numbered paragraphs one through twenty-eight are hereby re-alleged as  
4 though set forth in full herein.

5 On or about July 7, 2000, within and as the same pertains to the District of Idaho,  
6 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, in a matter within the jurisdiction of the  
7 Executive Branch of the United States Government, knowingly and willfully made a  
8 materially false, fictitious and fraudulent statement and representation to authorities of the  
9 United States in relation to **SAMI OMAR AL-HUSSAYEN**'s status as a foreign student in  
10 the United States, in that **SAMI OMAR AL-HUSSAYEN**, in applying for and receiving a  
11 student visa, signed and submitted an Immigration and Naturalization (INS) form I-20,  
12 thereby knowingly and willfully representing to United States Government authorities that he  
13 sought to enter into the United States for the sole purpose of pursuing a full course of study at  
14 the University of Idaho, when, in fact, **SAMI OMAR AL-HUSSAYEN** knowingly had been,  
15 was and would be engaged in activities other than his course of study at the University of  
16 Idaho, including, but not limited to, his involvement with the Islamic Assembly of North  
17 America; in violation of Title 18, United States Code, Sections 1001(a)(2) and 3238. (See  
18 previous paragraph 8.)

**COUNT FIVE**  
**VISA FRAUD**  
(Violation 18 U.S.C. 1546(a) and 3238)

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

On or about July 07, 1992, within and as the same pertains to the District of Idaho,  
SAMI OMAR AL-HUSSAYEN, Defendant herein, (1) knowingly made under oath and  
subscribed as true to the United States a false statement with respect to a material fact in an  
application and other document required by the immigration laws and regulations of the

1 United States and (2) knowingly presented such application and other document required by  
2 the immigration laws and regulations of the United States which contained a materially false  
3 statement, in that **SAMI OMAR AL-HUSSAYEN**, in applying for and receiving a student  
4 visa, signed and submitted an Immigration and Naturalization (INS) form I-20, thereby  
5 knowingly and willfully representing to United States Government authorities that he sought  
6 to enter into the United States for the sole purpose of pursuing a full course of study at the  
7 University of Idaho, when, in fact, **SAMI OMAR AL-HUSSAYEN** knowingly had been, was  
8 and would be engaged in activities other than his course of study at the University of Idaho,  
9 including, but not limited to, his involvement with the Islamic Assembly of North America;  
10 in violation of Title 18, United States Code, Sections 1546(a) and 3238. (See previous  
11 paragraph 8.)

12

13

**COUNT SIX**  
**VISA FRAUD**  
(Violation 18 U.S.C. 1546(a) and 3237)

14

15 The previous numbered paragraphs one through twenty-eight are hereby re-alleged as  
16 though set forth in full herein.

17

18 On or about August 25, 2000, within and as the same pertains to the District of Idaho,  
19 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, (1) knowingly made under oath and  
20 subscribed as true to the United States a false statement with respect to a material fact in an  
21 application and other document required by the immigration laws and regulations of the  
22 United States, (2) knowingly presented such application and other document required by the  
23 immigration laws and regulations of the United States which contained a materially false  
24 statement, and (3) knowingly used a non-immigrant visa obtained by a false statement and  
25 claim, in that **SAMI OMAR AL-HUSSAYEN**, in entering into the United States, presented  
26 to United States Government authorities a student visa procured by means of a false statement  
27 and claim and other document containing such false statement and claim; in violation of Title  
18, United States Code, Sections 1546(a) and 3237. (See previous paragraphs 8 and 9.)

28

**COUNT SEVEN**  
**FALSE STATEMENT TO THE UNITED STATES**  
(Violation 18 U.S.C. 1001(a)(2) and 3238)

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

5 On or about January 14, 2002, within and as the same pertains to the District of Idaho,  
6 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, in a matter within the jurisdiction of the  
7 Executive Branch of the United States Government, knowingly and willfully made a  
8 materially false, fictitious and fraudulent statement and representation to authorities of the  
9 United States in relation to **SAMI OMAR AL-HUSSAYEN**'s status as a foreign student in  
10 the United States, in that **SAMI OMAR AL-HUSSAYEN**, in applying for and receiving a  
11 student visa, signed and submitted Department of State (DOS) form DS-156 and form DS-  
12 157, thereby knowingly and wilfully failing and refusing to inform United States Government  
13 authorities of his involvement with the Islamic Assembly of North America and other entities;  
14 in violation of Title 18, United States Code, Sections 1001(a)(2) and 3238. (See previous  
15 paragraphs 10 through 12.)

**COUNT EIGHT  
VISA FRAUD**

19 The previous numbered paragraphs one through twenty-eight are hereby re-alleged as  
20 though set forth in full herein.

21 On or about January 14, 2002, within and as the same pertains to the District of Idaho,  
22 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, (1) knowingly made under oath and  
23 subscribed as true to the United States a false statement with respect to a material fact in an  
24 application and other document required by the immigration laws and regulations of the  
25 United States and (2) knowingly presented such application and other document required by  
26 the immigration laws and regulations of the United States which contained a materially false  
27 statement, in that **SAMI OMAR AL-HUSSAYEN**, in applying for and receiving a student

1 visa, signed and submitted Department of State (DOS) form DS-156 and form DS-157,  
2 thereby knowingly and wilfully failing and refusing to inform United States Government  
3 authorities of his involvement with the Islamic Assembly of North America and other entities;  
4 in violation of Title 18, United States Code, Sections 1546(a) and 3238. (See previous  
5 paragraphs 10 through 12.)

6

7

**COUNT NINE**  
**FALSE STATEMENT TO THE UNITED STATES**  
(Violation 18 U.S.C. 1001(a)(2) and 3238)

8  
9 The previous numbered paragraphs one through twenty-eight are hereby re-alleged as  
10 though set forth in full herein.

11 On or about April 6, 2002, within and as the same pertains to the District of Idaho,  
12 **SAMI OMAR AL-HUSSAYEN**, Defendant herein, in a matter within the jurisdiction of the  
13 Executive Branch of the United States Government, knowingly and willfully made a  
14 materially false, fictitious and fraudulent statement and representation to authorities of the  
15 United States in relation to **SAMI OMAR AL-HUSSAYEN**'s status as a foreign student in  
16 the United States, in that **SAMI OMAR AL-HUSSAYEN**, in applying for and receiving a  
17 student visa, signed and submitted an Immigration and Naturalization (INS) form I-20,  
18 thereby knowingly and willfully representing to United States Government authorities that he  
19 sought to enter into the United States for the sole purpose of pursuing a full course of study at  
20 the University of Idaho, when, in fact, **SAMI OMAR AL-HUSSAYEN** knowingly had been,  
21 was and would be engaged in activities other than his course of study at the University of  
22 Idaho, including, but not limited to, his involvement with the Islamic Assembly of North  
23 America; in violation of Title 18, United States Code, Sections 1001(a)(2) and 3238. (See  
24 previous paragraphs 10 through 13.)

25

26

27

28

**COUNT TEN  
VISA FRAUD**  
(Violation 18 U.S.C. 1546(a) and 3238)

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

On or about April 6, 2002, within and as the same pertains to the District of Idaho, SAMI OMAR AL-HUSSAYEN, Defendant herein, (1) knowingly made under oath and subscribed as true to the United States a false statement with respect to a material fact in an application and other document required by the immigration laws and regulations of the United States and (2) knowingly presented such application and other document required by the immigration laws and regulations of the United States which contained a materially false statement, in that SAMI OMAR AL-HUSSAYEN, in applying for and receiving a student visa, signed and submitted an Immigration and Naturalization (INS) form I-20, thereby knowingly and willfully representing to United States Government authorities that he sought to enter into the United States for the sole purpose of pursuing a full course of study at the University of Idaho, when, in fact, SAMI OMAR AL-HUSSAYEN knowingly had been, was and would be engaged in activities other than his course of study at the University of Idaho, including, but not limited to, his involvement with the Islamic Assembly of North America; in violation of Title 18, United States Code, Sections 1546(a) and 3238. (See previous paragraphs 10 through 13.)

**COUNT ELEVEN  
VISA FRAUD**  
(Violation 18 U.S.C. 1546(a) and 3237)

The previous numbered paragraphs one through twenty-eight are hereby re-alleged as though set forth in full herein.

On or about May 9, 2002, within and as the same pertains to the District of Idaho, **SAMI OMAR AL-HUSSAYEN**, Defendant herein, (1) knowingly made under oath and subscribed as true to the United States a false statement with respect to a material fact in an

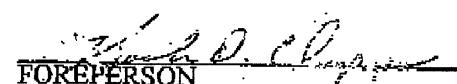
1 application and other document required by the immigration laws and regulations of the  
2 United States, (2) knowingly presented such application and other document required by the  
3 immigration laws and regulations of the United States which contained a materially false  
4 statement, and (3) knowingly used a non-immigrant visa obtained by a false statement and  
5 claim, in that SAMI OMAR AL-HUSSAYEN, in entering into the United States, presented  
6 to United States Government authorities a student visa procured by means of a false statement  
7 and claim and other document containing such false statement and claim; in violation of Title  
8 18, United States Code, Sections 1546(a) and 3237. (See previous paragraphs 10 through 14.)

9

10 Dated this 13<sup>th</sup> day of February, 2003.

11 

12 A TRUE BILL

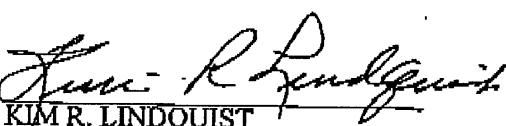
13   
14 FOREPERSON

15

16

17 THOMAS E. MOSS

18 UNITED STATES ATTORNEY

19   
20 KIM R. LINDQUIST

21 Assistant United States Attorney

22   
23 TERRY L. DERDEN

24 First Assistant United States Attorney  
25 Chief, Criminal Section